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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,547	01/30/2004	Aloys Wobben	970054.454C1	5849

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EXAMINER

NGUYEN, NINH H

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,547

Applicant(s)

WOBBEN, ALOYS

Examiner

Ninh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/17/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to as being comprised of more than 150 words.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 4 is objected to because on line 8 of the claim, “(pitch)” should be deleted.

Appropriate correction is required.

3. Claims 6-11 are objected to because there are no method steps positively recited therein.

Appropriate correction is required.

Note: claims 6-11 are treated as apparatus claims in this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by

Antoniou et al. (abstract, “On the Theory of SODAR Measurement Techniques”, Final Reporting

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on WP1, EU WISE project NNE5-201-297, Antoniou et al., Risø National Laboratory, Roskilde, Denmark, April 2003).

Antoniou discloses a wind power installation comprising a SODAR system which is mounted on the wind power installation and which detects the region in front of the rotor of the wind power installation (abstract);

wherein the SODAR is mounted in the region of the rotor hub of the wind power installation in front of the plane of the rotor of the wind power installation (abstract).

6. Claims 4, 6, and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Heronemus (6,749,399).

Heronemus discloses a system for protecting wind power installations in a wind park, comprising means for measuring the wind speed (anemometer; col. 8, lines 23-29) in the region of a first wind power installation, and means for processing the measured data are processed by a control device which controls the first wind power installation and/or another second wind power installation in the proximity of the wind power installation, wherein the control involves the adjustments of the angle of attack of the rotor blade with respect to the wind (col. 8, lines 23-29) and adjustment of the angle of attack is effected as soon as a wind condition endangering the first wind power installation is measured.

Regarding claims 6, and 8-10, Heronemus discloses a control of one or more wind power installations (col. 8, lines 23-29) wherein the detection of the wind speed is effected for a first wind power installation and control of angle of attack of the wind power installation is effected in dependence on the detected wind speed;

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wherein the wind speed is measured by anemometers mounted on each of the wind power installations (col. 8, lines 23-29);

wherein each individual wind power installation is controlled in regard to the measured wind speed (col. 8, lines 23-29) ;

wherein the control instructions for the wind power installations are produced at the wind power installation itself (col. 8, lines 23-29).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heronemus (6,749,399) in view of Antoniou et al.

Heronemus discloses a wind farm comprising a plurality of wind power installation having a plurality of wind rotors, wherein each wind rotor has an anemometer attached thereon;

wherein the anemometer measures the wind speed and transmits corresponding measurement data to a control of the wind power installation, which in turn, suitably alters the angle of attack of the rotor blades.

However, Heronemus does not disclose the wind measuring speed is a SODAR as claimed.

Antoniou teaches SODAR attached to a rotor of a wind power installation is an alternative for anemometer for measuring both the wind speed distribution with height and the wind direction (abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to built the wind power installations of Heronemus with SODAR mounted on the rotors of the wind power installations for the purpose of measuring both the wind speed distribution with height and the wind direction as taught by Antoniou.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heronemus in view of Antoniou.

Heronemus discloses all the limitations except the wind measuring device does not detect the spatial and/or temporal distribution of the wind speed of the wind power installation as claimed.

Antoniou teaches SODAR attached to a rotor of a wind power installation is an alternative for anemometer for measuring both the wind speed distribution with height and the wind direction (abstract).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to built the wind power installations of Heronemus with SODAR mounted on the rotors of the wind power installations for the purpose of measuring both the wind speed distribution with height and the wind direction as taught by Antoniou.

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10. Claim 6, 11, and 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haller (US 2002/0067274 A1).

Haller discloses a wind park comprising a plurality of wind power installations (Figs. 4, 5, 8), a sensor 28 for detecting and tracking hail storms, wherein the signals from the sensor 28 are sent to a controller, which in turn, sends control signals to the wind power installations to feather the rotor blades of the wind power installations to prevent hail damages; wherein the control signal from a controller to the wind power installations are transmitted either by wire or by radio system (page 4, last sentence of paragraph 0028).

However, Haller does not disclose the sensor 28 as a device for detecting wind conditions as claimed.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made, to build the wind park of Haller with the sensor 28 capable of detecting wind conditions as an expedience to feather the pitch of the rotor blades of the wind park to prevent damages cause by strong wind conditions.

Allowable Subject Matter

11. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

The prior art made of record but not relied upon is considered pertinent to applicant's disclosure and consists of 1 patent.

Karlsen (5,979,234) is cited to show a device to determine wind velocity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ninh Nguyen whose telephone number is (571) 272-4823. The examiner can be normally reached on Monday-Friday from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached at (571) 272-4820. The fax number for this group is 703-872-9306.

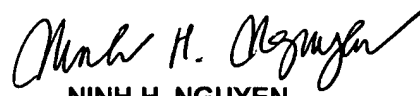
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system, please go to <http://pair-direct.uspto.gov> or contact the Electronic Business center (EBC) at 866-217-9197 (toll-free).


NINH H. NGUYEN
PRIMARY EXAMINER

Nhn
June 30, 2005